

AMENDED IN ASSEMBLY JUNE 1, 2010

AMENDED IN ASSEMBLY MAY 6, 2010

AMENDED IN ASSEMBLY APRIL 27, 2010

AMENDED IN ASSEMBLY MARCH 24, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1676

**Introduced by Assembly Member Fuentes
(Coauthors: Assembly Members Jeffries and Solorio)**

January 21, 2010

An act to add Section 1065 to the Government Code, relating to elected officials.

LEGISLATIVE COUNSEL'S DIGEST

AB 1676, as amended, Fuentes. Elected officials: residency requirements.

~~The California Constitution requires that a person reside for one year within the legislative district for which he or she seeks election as a Member of the Legislature. Various statutory provisions impose~~ Existing law imposes residency requirements on other specified elected officials in California. *The California Constitution provides that each house of the Legislature is the sole judge of the qualifications of its Members.*

This bill would require that a person elected to ~~the Legislature, or~~ a nonjudicial public office for a county, city, or school district, maintain his or her place of residence within the jurisdiction within which voters are qualified to vote for the office during his or her term of office. The bill would require a person who violates this provision to immediately forfeit his or her office and would disqualify the person from holding

any state or local public office for a period of 3 years. The bill would provide that these provisions would apply to all persons holding a nonjudicial, public office for a county, city, or school district on or after the effective date of the bill. As to persons holding these offices serving terms of office that commence on or after November 2, 2010, the bill would also make a violation of the residency requirement punishable by either a civil penalty not to exceed \$1,000 or a fine not to exceed \$1,000, imprisonment in a county jail for no more than 6 months, or by both fine and imprisonment. ~~The bill would provide that its provisions apply to Members of the Legislature only for terms of office that commence on or after December 3, 2012.~~ The bill would authorize enforcement of its provisions by the Attorney General, the district attorney or the county counsel of a county for a violation involving a nonjudicial public office whose territory is located wholly or partially within that county, or by the city attorney of a city for a violation involving a nonjudicial public office whose territory is located wholly or partially within that city.

The bill would also provide that Members of the Legislature should live in the districts that they represent and that each house of the Legislature should review its rules relative to qualifications to hold office and amend those rules as appropriate.

By creating a new crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1065 is added to the Government Code,
- 2 to read:
- 3 1065. (a) Notwithstanding any other provision of law, a person
- 4 ~~elected to the Legislature, or~~ to a nonjudicial public office for a
- 5 county, a city, or a school district, shall continue to maintain his
- 6 or her place of residence within the jurisdiction in which voters
- 7 are qualified to vote for the office during his or her term of office.

1 A person does not violate this subdivision if, after being elected
2 for a term of office, the boundaries of the jurisdiction in which
3 voters are qualified to vote for the office are changed during that
4 term of office so as to exclude his or her place of residence.

5 (b) A person who violates subdivision (a) shall immediately
6 forfeit his or her office and is disqualified from holding any state
7 or local public office for a period of three years.

8 (c) A violation of subdivision (a) is punishable by one of the
9 following:

10 (1) A civil penalty not to exceed one thousand dollars (\$1,000).

11 (2) By imprisonment in a county jail not exceeding six months,
12 or by a fine not exceeding one thousand dollars (\$1,000), or by
13 both that fine and imprisonment.

14 (d) An action to enforce this section may be brought by the
15 Attorney General, the district attorney or county counsel of a
16 county for a violation involving a nonjudicial public office whose
17 territory is located wholly or partially within that county, or the
18 city attorney of a city for a violation involving a nonjudicial public
19 office whose territory is located wholly or partially within that
20 city.

21 ~~(e) (1) As to Members of the Legislature, this section applies~~
22 ~~only to terms of office that commence on or after December 3,~~
23 ~~2012. (2) Subdivisions (a) and (b) apply to all persons holding a~~
24 ~~nonjudicial public office for a county, city, or school district on~~
25 ~~or after the effective date of the statute that added this section.~~
26 ~~Subdivision (c) applies only to persons holding these offices under~~
27 ~~terms of office that commence on or after November 2, 2010.~~

28 ~~This paragraph does not apply to Members of the Legislature.~~

29 SEC. 2. The provisions of this section are severable. If any
30 provision of this section or its application is held invalid, that
31 invalidity shall not affect other provisions or applications that can
32 be given effect without the invalid provision or application.

33 SEC. 3. *The Legislature hereby finds and declares that, in*
34 *order to ensure that Members of the Legislature adequately and*
35 *effectively represent their constituents, those elected to the*
36 *Legislature should reside in the districts that they are elected to*
37 *represent. As each house of the Legislature judges its rules relative*
38 *to the qualifications to hold office pursuant to Section 5 of Article*
39 *IV of the California Constitution, each house of the Legislature*

1 *should review its rules relative to qualifications to hold office and*
2 *should amend those rules as appropriate.*

3 ~~SEC. 3.~~

4 SEC. 4. No reimbursement is required by this act pursuant to
5 Section 6 of Article XIII B of the California Constitution because
6 the only costs that may be incurred by a local agency or school
7 district will be incurred because this act creates a new crime or
8 infraction, eliminates a crime or infraction, or changes the penalty
9 for a crime or infraction, within the meaning of Section 17556 of
10 the Government Code, or changes the definition of a crime within
11 the meaning of Section 6 of Article XIII B of the California
12 Constitution.